

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK
MATTHEW DEROCHA,**

Plaintiff,

**5:18-cv-1052
(GLS/ATB)**

v.

NORTH SYRACUSE POLICE,

Defendant.

APPEARANCES:

OF COUNSEL:

FOR PLAINTIFF:

MATTHEW DEROCHA

Plaintiff *Pro Se*

1074 South Clinton Street
Syracuse, New York 13202

**Gary L. Sharpe
Senior District Judge**

ORDER

The above-captioned matter comes to this court following an Order and Report-Recommendation by Magistrate Judge Andrew T. Baxter duly filed on September 12, 2018. (Dkt. No. 5.) Following fourteen days from the service thereof, the Clerk has sent the file, including any and all objections filed by the parties herein.¹

¹ Plaintiff filed no objections; however, he submitted an "Amended Complaint," (Dkt. No. 11), which will be addressed by Judge Baxter in due course.

No objections having been filed, and the court having reviewed the Order and Report-Recommendation for clear error, it is hereby

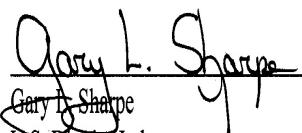
ORDERED that the Order and Report-Recommendation (Dkt. No. 5) is **ADOPTED** in its entirety; and it is further

ORDERED that the complaint (Dkt. No. 1) is **DISMISSED WITHOUT PREJUDICE** to plaintiff submitting a proposed amended complaint for the court's review, which has previously been filed (Dkt. No. 11); and it is further

ORDERED that the Clerk provide a copy of this Order to the parties in accordance with the Local Rules.

IT IS SO ORDERED.

October 29, 2018
Albany, New York


Gary L. Sharpe
U.S. District Judge